

1 THE HONORABLE JAMAL N. WHITEHEAD  
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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

No. 2:21-cv-00563-JNW

**RESPONSE BY DEFENDANT VALVE  
CORPORATION SUPPORTING  
CONSUMER PLAINTIFFS' MOTION TO  
CONSOLIDATE ONLY**

Valve supports the Motion to Consolidate filed by Plaintiffs Sean Colvin, Susann Davis, Hope Marchionda, and Everett Stephens (the “Colvin Plaintiffs”), Dkt. # 373,<sup>1</sup> because the two cases involve claims asserted on behalf of overlapping putative classes regarding allegedly anticompetitive conduct against the same Defendant. Valve agrees with the Colvin Plaintiffs that consolidating these cases under LCR 42 will promote efficiency and preserve judicial resources, expedite a resolution, prevent duplicative discovery, and reduce the risk of

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<sup>1</sup> The Colvin Plaintiffs concurrently moved to appoint Vorys, Sater, Seymour and Pease LLP as lead counsel. Valve takes no position as to that motion at this time. *See* Dkt. # 375 (Valve and the Consumer Plaintiffs’ stipulation to re-note Vorys’ appointment request for November 8, with Valve’s response to that request due on November 4).

1 inconsistent results. *See Sabbagh v. Cell Therapeutics, Inc.*, Nos. C10-414MJP, C10-  
 2 480MJP, C10-559MJP, 2010 WL 3064427, at \*2-3 (W.D. Wash. Aug. 2, 2010)  
 3 (consolidation appropriate where cases involve overlapping classes); *Calica v. Green*  
 4 *Diamond Res. Co.*, Case No. 2:24-cv-775-LK, 2024 WL 3276416, at \*2 (W.D. Wash. July 2,  
 5 2024) (consolidation appropriate where cases involve overlapping issues).

6 *In re Valve Antitrust Litigation* is itself the result of two prior consolidations—  
 7 including one that involved the Colvin Plaintiffs, who initially filed a standalone, consumer  
 8 complaint. *See* Dkt. # 29; Dkt. # 90. Once again, consolidation is the appropriate solution  
 9 here.

10 For these reasons, Valve respectfully requests that this Court consolidate this case  
 11 (Case No. 2:21-cv-00563-JNW) with the *Elliott* Plaintiffs' case (Case No. 2:24-cv-01218).

12 DATED this 21st day of October, 2024.

13 CORR CRONIN LLP

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